

ORDINANCE NO. _____ Series 2010

**A ORDINANCE REPEALING § 91.022 AND
AMENDING § 91.011 OF THE
LOUISVILLE/JEFFERSON COUNTY METRO CODE
OF ORDINANCES RELATING TO ANIMAL
WELFARE AND CONTROL.**

Sponsored by: Councilwoman Cheri Bryant Hamilton

**NOW THEREFORE, BE IT ORDAINED BY THE
LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL [THE "COUINCIL"]
AS FOLLOWS:**

SECTION I: LMCO § 91.022 is hereby repealed in its entirety

SECTION II: LMCO § 91.101 is hereby amended to read as follows:

§ 91.101 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this section may be confiscated by any Animal Control Officer or any peace officer and held in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause for the charge, the court shall order immediate forfeiture of the animal to the Metro Government unless the owner, within 24 hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and veterinary fees in the amount of \$450 (\$15 per day) plus all other fees, fines, and penalties imposed under this chapter for each animal, for the first 30 days of its impoundment. If after 30 days, the case has not been adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and

care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30-day period until the case has been adjudicated. During the pendency of court proceedings involving charges against the owner a victimized animal, an animal which has been forfeited to Metro Government under this Section (B) shall not be transferred out of the custody of MAS, nor destroyed except for humane reasons upon certification by a veterinarian that destruction is necessary.

(1) Upon a plea or finding of guilt the cash bond(s) shall be immediately paid to MAS. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that has not been encumbered by daily costs at the time of the pleas or finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to subsection (B) herein above shall become the property of the Metro Government.

(2) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner.

SECTION III: This ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Thomas L. Owen
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____
Assistant County Attorney

Chapter 91 - Amendments per Court Opinion - 20 Oct 2009 - roc/wtw